

REMARKS

Initially, the Examiner rejected claim 14 as being indefinite since it referred to a pair of humeral nails which had insufficient antecedent basis in claim 1. Applicant has deleted claim 14 to obviate this rejection.

The Examiner then went on to reject claims 1-4, 6, 7, 9, and 15-22 as being anticipated by Lin U.S. Patent 6,210,414. The Examiner considered that the thin wall of the nail tube was a thread for a screw. Applicant has amended the claims to require the nail to be solid and to have completely threaded proximal cross bores. This would distinguish over the hollow and non-threaded bores of U.S. Patent 6,210,414. In addition, none of the prior art cited by the Examiner teaches a solid nail with at least three axially spaced completely threaded transverse bores in its proximal portion where the axis of the bores are circumferentially offset with at least two of the proximal transverse bores extending non-perpendicular angle to the longitudinal axis of the shaft. For example, U.S. Patent 6,270,499 to Leu shows cross bores 6, 7 which are perpendicular to the longitudinal axes 4 of the nail as shown in Fig. 1 thereof. Likewise, U.S. Patent 5,472,444 to Huebner shows only screws which are perpendicular to the axes of the nail as shown in Figs. 1 and 2 and discussed in column 2, lines 56-60, where it states that the transverse holes are perpendicular to the portion of the nail axis at the butt portion 14 of the nail.

James U.S. Patent 5,489,284 is not a solid nail, and does not have threaded cross bores. Likewise, Russell et al. U.S. Patent 5,549,610 is not hollow and does not have threaded bores.

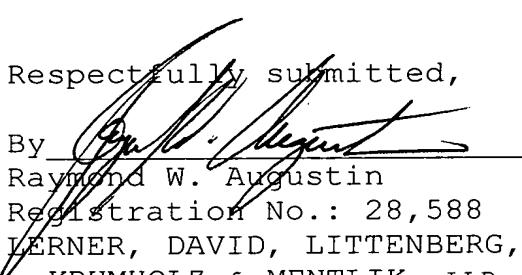
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 13, 2006

Respectfully submitted,

By 

Raymond W. Augustin

Registration No.: 28,588

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

LD-447A